FOR MYSORE STATE

78.406—3-13-55.

Health, Education and Local Administration (1955) Department.

No. SERIES.

closed
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Sent

G.O. No. 1986, Health

13

Dated 13—6—1955.

[Despatch Abstract.

Establishment - Public Health - Cannanore Municipality - Sri N.Raghava Rao, Sanitary Inspector - Petition against the orders of the Commissioner and Municipal Health Officer-in-charge stopping his increment - Rejected.

From
N.Raghava Rao,
Sanitary Inspector,
Cannanore Municipality.

To
The Secretary to the Government of Madras,
Public Health Department,
Fort St.George,
Madras.

Thro'
The Director of Public Health,
Madras.

AND

Thro'
The Health Officer,
Cannanore Municipality.

Respected Sir,

Sub:- Humble appeal submitted against order of Commissioner & H.O. i/c Cannanore Municipality framing charges and punishment with stoppage of increment of 1 year.

(A) pp 11 21 Ref:- A3-9182/53 d/12-1-'54 of the Commissioner & H.O. i/c. Cannanore Municipality and D.Ds

(A) p23 ——— 1722/54 d/12-10-'54 of the Municipal Health Officer Cannanore - Order L.Ds.58470-E3/54

(B) p77. — d/7-12-'54 of the Director of Public Health Madras.

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1. The appellant is a permanent Sanitary Inspector working under the Cannanore Municipality for the past 3½ years having transferred from the Palghat Municipality in 1951.

2. Though the appellant was discharging his duties honestly and efficiently he was being harrassed somehow or other from August 1953 finding fault with him, framing charges and lastly with a punishment of stoppage of increment for 1 year.

Copies of:- (i) Charge sheet Ref.A3-9182/53 d/16-10-'53 of Commissioner & H.O. i/c Cannanore Municipality.

(A) pp 1-3.

(ii) The final order Ref.A-3-9182/53 d/12-1-'54 of the Commissioner & H.O. i/c of Cannanore Municipality.

(A) pp 11-21.

P.T.O.

(iii) Explanation submitted by the appellant d/30-9-'53.

(iv) D.Ds.1722/54 d/12-10-'54 of Health Officer, Cannanore Municipality.

(v) Copies of appeals submitted by the appellant to the Director of Public Health dated 18-12-'53, 15-2-'54, 18-10-'54 and 1-11-'54.

(vi) And the final order of the Director of Public Health L.Ds.58470 E2/54 dated 7-12-'54 are submitted herewith for favour of perusal.

3. The appellant has been charge sheeted for the acquital of some cases of prosecution filed by the Municipality in the local Magistrates Court. It appears as though the whole responsibility of conducting the cases has been shoved on the Sanitary Inspector. It is the Health Officer who files the prosecution cases in the Court and the standing counsel who conducts the case. The Sanitary Inspector is to give evidence only as witness - Sanitary Inspectors prepare D & O Wrt. and submit and the officer approve the same after checking and action is taken as per the approved one only - To site a single instance how the H.O. i/c then appeared to have considered the cases of prosecution conducted in the Court of Law I may bring to your kind notice para 5 of the charge sheet in Ref:- A3-9182/53 d/16-10-'53 of the Commissioner & H.O. i/c where in he states " after all the file I find is only the served copy of the notice issued to the party with his acknowledgement thereon with the office copy of the charge sheet filed in the Court through the Municipal standing counsel" To give evidence and prove in a case however small it appears to be, charge sheet and the served notice to the party are very essential records.

4. Whatever may be the consideration of the authorities who have charge sheeted me and punished. I put forth this humble appeal to the Benign Government on the following grounds:-

(a) The personal enquiry about the charges were conducted when I was on medical leave for Pnemonia and in a convalsent state.

P.T.O.

(b) It was against my wish that the enquiry, conducted by an Officer other than the then H.O. i/c as I was under the impression that he had been prejudiced against me For instance the charge No. V against me was that I made an incorrect report to office on 4-8-'53 that the records were not made available for giving evidence in the contested cases, the Officer remarks that this is distortion of actual facts. But I do not know in what light it has to be taken in the face of memo No. L.Dis.7842/53 d/4-8-'53 of the then Health Officer. (vide copy enclosed) Again in his discussion about case No.5 in the proceedings ref:- A-3 9182/53 d/12-1-'54 (copy enclosed) the Commissioner & H.O. i/c states that a regular enquiry was conducted in the matter and it was proved that the Sanitary Maistry K.V.Anandan, who was send by the Sanitary Inspector for the files had actualy handed over the files when the case was taken up. I contest how a regualr enquiry was made without taking my evidence also in the matter. I would have been at least given the benifit of doubt being the accused.

(A) p 3

(A) pp47-48.

(A) p. 15

(c) As I was not physically fit to undergo a personal enquiry at that time and to think over the matter I could not put forth my case in a fit manner, cite the witnessess and to go through and produce the records.

5. The Commissioner & H.O. i/c at that time appeared to have been projudiced against me. My increment was due on 9-8-'53 premeditating the judgement of the case of charges which was going to be conducted against me, the Officer has withheld my past increment in his proceedings Ref:- B4-11595/51 d/29-9-'53 of the Commissioner and H.O. i/c Cannanore Municipality (vide copy enclosed)

(A) p 67

6. On several occassions it somehow happened that the necessary records were not given to me in time even though I requested for from the office either to give satisfactory

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evidence in case before the Court of Law when cited as witness or to give necessary detailed explanation for the charges against me. This fact is evident from the Memo L.Dis 7842/53 d/4-8-'53 of the then Municipal Health Officer.(vide copy enclosed) The first notice for the oral enquiry to be conducted on 7-12-'53 vide memo ref:- A3-9182/53 d/2-12-'53 (copy enclosed) Though it was mentioned in the notice that I am to appear with necessary records I was not allowed to persue the necessary records from the Office. Being an accused all facilities might have been given to me sympathatically.

A/p65

A/p67

7. Though the final order about the charges and enquiry was issued on 12-1-'54, I was transfered as a punishment from permanent establishment - the general duty to the Temporary Scheme - the Antifilerial Scheme on 3-9-'53 vide ref:- B4-8862/53 d/3-9-'53 of the Commissioner & H.O. i/c. (copy enclosed)

A p.75

8. All the cases of acquitals of prosecution mentioned in the charge sheet were occured during the time of previous Health Officers who have not pointed out or asked explanation in a single instance to me. Moreover these items were recommended and written off by the Counsel also - When the Health Officer was transfered and the then Commissioner took additional charge as Health Officer and continued, he put forth all the blames on me collectively. No Health Officer was in this Municipality till the then executive was transfered.

9. Hence I request that the Government to set aside the order of punishment and order a fresh enquiry of the case by a different officer:-

Cannanore,)
16-2-1955.)

Yours faithfully,
Raghavan Roo 16/2/55
Sanitary Inspector (HFS).

Encld:- 11 Enclosures:-

1.) Charge sheet ref:A3-9182/53 d/16-10-'53 of the Commissioner & H.O. i/c Cannanore Municipality. (in 2 sheets.)

P.T.O.

5 3

2.) Explanation submitted by the appellant d/30-9-'53. (3 sheets)

3.) The Final order ref. A3-9182/53 d/12-1-'54 of the Commissioner & H.O. i/c Cannanore Municipality. (6 sheets)

4.) D.Ds 1722/54 d/12-10-'54 of the Health Officer, Cannanore Municipality. (1 sheet)

5.) Copies of the appeals submitted by the appellant to the Director of Public Health d/18-12-'53, 15-2-'54, 18-10-'54 and 1-11-'54. (19 sheets)

6.) The final order of the Director of Public Health L.Ds. 58470-E-/54 d/7-12-'54. (1 sheet)

7.) Copy Memo L.Dis.7842/53 d/4-8-'53 of the Health Officer, Cannanore Municipality. (1 sheet)

8.) Proceedings Ref. B4-11595/51 d/29-9-'53 of the Commissioner & H.O. i/c Cannanore Municipality. (1 sheet)

9.) Enquirty Memo ref. A3-9182/53 d/2-12-'53 of the Commissioner & H.O. i/c. (1 sheet)

10.) Enquirty memo A3-9182/53 d/11-12-'53. (two memoes received) (2 sheets)

11.) Order B4-8862/53 d/3-9-'53 of the Commissioner & H.O. i/c Cannanore Municipality. (1 sheet)

(Total 41 sheets)

13611/E3/54

7

Submitted to the Director of Public Health Madras through the Commissioner.

II. The Sanitary Inspector had already preferred an appeal to the Director of Public Health, Madras on the stoppage of increment for 2 years with cumulative effect ordered by the Commissioner & Health Officer-in-charge and was modified as stoppage of increment for one year without cumulative effect by the Director of Public Health in proceedings D.No.325/E3/54 dated 26-9-54. Besides, his request for reconsideration of the Director of Public Health Orders was negatived in D.P.H., R.No.58470/E3/54 dated 7-12-54.

(B)p37 — (B)p37

III. This appeal to Government is only a reproduction of the representations already made to the Director of Public Health and does not contain any new facts.

IV. The appeal may be disposed of as per merits. ~~This does not require any reconsideration.~~

T N Krishnan
(T.N.Krishnan)
Municipal Health Officer,
Cannanore.

Forwarded- This does not require any consideration
Commissioner, 3.3.55
Cannanore Municipality

Ocm.3.3.

ENCLR-41 Pages

OFFICE OF THE DIRECTOR OF PUBLIC HEALTH
5-MAR 1955
MADRAS

8

R.No. 13611-I-Ed. 55.

Office of the Director of Public Health, Madras-6 dated 2-5-1955.

Forwarded. — (B) p 37

2. This office file D.No.325-E3/54 dated 25-9-54 in which the appeal and revision petition submitted by the Memorialist, Sri N.Raghava Rao were disposed of is herewith forwarded for favour of perusal by Government and return.

For Director of Public Health,
Madras.

To

The Secretary to Government,
Health, Education and Local
Administration Department,
Fort Saint George, MADRAS.

sb.

3/5/55

ASSISTANT SECRETARY TO GOVERNMENT
5 MAY 1955
HEALTH, EDUCATION & LOCAL ADMN. DEPT.

HE+A (Hs)

Sub:— E3 H — P.H — Cauvaum
Tpty. — Sri. T. Raghava
Rao, Sanitary Inspector
— Petition against the orders
of the Comsr. and M.H.O. in charge
stopping his increment — Rejected

fppl-4 Cy From Sri. T. Raghava Rao — Petition
p. 7 dy dt 16.2.55
the Comsr., Cauvaum Tpty.
— No. 1361-E3/55 dt 3.3.55.
p 8 Cy " " D.P.H — R.No. 1361-E3/55 dt 2/5
G.O. Ms. No 1986 Health dt 13/6/55
The petition

(P.T.O.

2

is rejected

2/. The enclosure containing 76 pages received along with the petition is returned to the Courier, Cuttack Mfpty. and he is requested to acknowledge its receipt.

3/. The file D.No. 325-E3/54 relating to the office of the D.P.H. is returned to the D.P.H. and he is requested to acknowledge its receipt

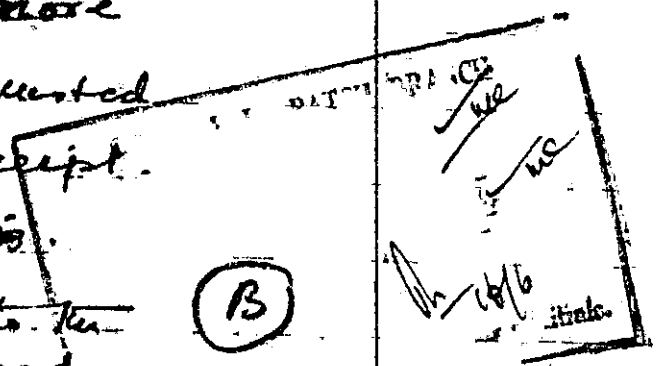
9.6.55

11.6.55

p.3 ncp

(A)

(B)



To

Sri. N. Raghava Rao
Sanitary Inspector
Thro. The Courier,
Cuttack Mfpty

The Courier, Cuttack Mfpty. Thro. C.M.S. Cuttack (A) - By Regd. Post)

The D.P.H (with (B))

cr:44119/55

H.E.L.A. DEPTT (H3)

SUB: ESTABLISHMENT - Public Health - Cannanore Municipality - Sri N. Raghava Rao, Sanitary Inspector - Petition

pp1-4 cf p7 cf p.8 cf

REF: From Sri N. Raghava Rao - Petition dated 16-2-55.
From the Commissioner, Cannanore Municipality, No.13611-E3/55, dated 3-3-55.
From the D.P.H., R.No.13611-1E3-55, dated 2-5-55.

..

This is a petition, purporting to be an appeal, from Sri N. Raghava Rao, Sanitary Inspector, Cannanore Municipality requesting that the orders of the Commr. and the M.H.O. in charge, Cannanore Municipality in his proceedings No.A3-9182/53 dt 12.1.54 stopping his increment for a period of 2 years with cumulative effect, may be set aside and a fresh enquiry by a different officer may be made.

r pp1-4 cf

(A) pp11-21 cf

para 9 on p4 cf

2. The petitioner has put this petition as an appeal to Govt. Under regulation 34(1) of the P.H. Establishment (L.A.) Regulations, an appeal shall lie to the D.P.H. against all orders of the Health officer imposing punishments on Public Health staff under local bodies. No second appeal lies to Govt. But the Govt. or such officer as they may empower in this behalf may call for the records and pass such orders as may be deemed fit. In the present case, the petitioner has already availed himself of the appeal to the D.P.H. The present petition may be considered whether there is a prima-facie case for interference by Govt.

(U) p 20.

Regn. 34(2) on p.20 of (U)

(B)

3. The charges framed against the petitioner were:-

(A) p 3.

I. That he prepared the annual D & O trade list in a most perfunctory manner including names of the parties as he chose and not as they ought to be after due verification.

II. That he failed to perform his legitimate duties in taking proper care and attention before enlisting the correct parties for licences and also in adducing evidence in court when the matter was taken up before the Court.

III. That due to his wantonly irregular actions, the prestige and fair name of the Municipal Administration has been adversely affected

And

by the series of the acquittals of the accused in the prosecutions launched at his instance and innocent rate payers were made to suffer a lot.

(IV) That he was not straight-forward in adducing evidence in prosecutions filed on the strength of his report.

(V) That he made an incorrect report to the office on 4-8-53 that the records were not made available for giving evidence in contested cases - a distortion of actual facts.

(VI) That he inordinately delayed ~~in~~ submission of the papers forwarded to him for report.

(VII) That he is highly indiciplined and insubordinate.

After obtaining the explanation of the petitioner, the Commissioner and the M.H.O. in charge passed final orders stopping his increment for a period of 2 years with cumulative effect. Against the above orders, the petitioner appealed to the D.P.H. who reduced the punishment by ordering stoppage of one increment without cumulative effect, ~~as some of the charges were not proved~~.

4. The petitioner has now contended:

(1) that the personal enquiry was conducted when he was on medical leave;

(2) that it was against his wish that the enquiry was conducted by the Commr. and H.O. in charge;

(3) that the Commr. and H.O. in charge withheld his increment due on 9-8-53 even before passing final orders on their charges.

(4) that he was not given facilities to peruse the records relating to the case.

(5) that he was transferred from the permanenet eatablishment to the temporary establishment as a punishment.

The remarks of the M.H.O., the Commr. and the D.P.H. are on pp.7+8 c.f. The Commr. and the M.H.O. in charge has stated in his proceedings that the petitioner was personally heard as desired on 21-12-53 and that he failed to produce the witnesses. The contention/petition that the enquiry was conducted by the Commr. and H.O. in charge against his wish does not

seem to be acceptable, as the enquiry had to be conducted by the officer who was holding the post of M.H.O. The increment due to the petitioner on 9-8-53 was held over by the Commr. and H.O. in charge as disciplinary proceedings were then initiated against him. He was transferred from a permament post to a temporary post in public interest. The D.P.H. has held that in the exigencies of service, a permanent person might be posted to a temporary post. In the above circumstances and in view of the fact that the D.P.H. has already reduced the punishment awarded to the petitioner, there appears to be no case for Govt. to interfere. For orders whether the petitioner may be rejected.

1.6.55

The petition may be rejected.

4.6.55

P. Ghulam Mohd. 6.6.55

SECRETARY TO GOVERNMENT
7 JUN 1955
HEALTH, EDN. & LOCAL AFFAIRS

M. (H) 6/6

A draft order is subd. for approval

9.6.55

11.6.55

From
Sri.A.Madhavan Nair, B.A.,
Commissioner,
Cannanore Municipality,
Cannanore.

To
The Secretary to Government
Health Education & Local Administration Department, Madras-9.
Thro'
The Chairman,
Municipal Council, Cannanore.

Ref:B4-5894/55 dated 18-6-1955.

Sir,

Sub: ESTABLISHMENT - Public Health - Cannanore Municipality - Sri.N.Raghava Rao, Sanitary Inspector - Petition against the orders of the Commissioner and Health Officer In-charge - Stopping increment - Rejected - Receipt of enclosures - Acknowledged.

Ref: G.O.No.Ms.1986 H dated 13-6-1955.

ASSISTANT SECRETARY TO GOVERNMENT
28 JUN 1955
6107
HEALTH, EDUCATION & LOCAL ADMN. DEPT.

The enclosures containing 76 pages forwarded with the above order have been received.

Commissioner, 20/6/55
Cannanore Municipality.

FORWARDED.

Chairman,
Municipal Council, Cannanore.
20/6

HELD (115

May be filed with GO 1986 H dt 13.6.55

28.6.55

2685